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Attorneys for Honest Reviews, LLC
and Ryan Monahan

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

PURPLE INNOVATIONS, LLC,
a Delaware limited liability company,

Plaintiff,

v.

HONEST REVIEWS, LLC, a Florida
Corporation, RYAN MONAHAN,
an individual, and GHOSTBED, INC.,
a Delaware corporation,

Defendants.

**MOTION FOR LEAVE TO FILE SUR-
REPLY IN SUPPORT OF OPPOSITION
TO MOTION FOR ORDER TO SHOW
CAUSE WHY THE MONAHAN
DEFENDANTS SHOULD NOT BE HELD
IN CONTEMPT FOR VIOLATING THE
COURT'S JULY 9, 2018 ORDER [342]**

Case No.: 2:17-cv-00138-DB

Honorable Dee Benson

Defendants Honest Reviews, LLC (“HMR”) and Ryan Monahan (collectively, “HMR Defendants”) hereby file their motion for leave to file the attached proposed Sur-Reply in Support of their Opposition to Plaintiff Purple Innovations, LLC’s (“Purple”) Motion for Order to Show Cause Why the Monahan Defendants Should Not Be Held in Contempt for Violating the Court’s July 9, 2018, Order (Dkt. No. 352). This motion is based on the following Memorandum of Points and Authorities, the proposed sur-reply attached as **Exhibit 1**, the papers and pleadings on file in this action, and any oral argument permitted by this Court.

MEMORANDUM OF POINTS AND AUTHORITIES

On August 9, 2018, Plaintiff Purple Innovations, LLC filed its Motion for Order to Show Cause Why the Monahan Defendants Should Not Be Held in Contempt for Violating the Court’s July 9, 2018, Order [342] (Dkt. No. 352) (the “Motion”). HMR Defendants filed their Opposition on September 5, 2018 (Dkt. No. 360), and Plaintiff filed its reply in support of the Motion on September 19, 2018 (Dkt. No. 365).

While this Court’s Local Rules do not allow for the filing of sur-replies as a matter of course, memoranda beyond a reply memorandum are permitted with leave of the Court. *See* L.R. 7-1(b)(2)(C). The Court should permit HMR Defendants to file the attached proposed sur-reply in support of their opposition to Plaintiff’s Motion. This is because, as explained in the proposed sur-reply, Plaintiff’s reply memorandum is based on the repeated mischaracterization of correspondence between counsel for the Parties, and Plaintiff falsely asserts that HMR Defendants have claimed that they have no intention of ever complying with the Court’s July 9, 2018 order. This characterization is highly misleading, and HMR Defendants should be allowed to respond to it.

DATED this 19th day of September, 2018.

Respectfully submitted,

/s/ Ronald D. Green

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 19, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document being served via transmission of Notices of Electronic Filing generated by CM/ECF.

Respectfully submitted,

/s/ Sarah Dones-Caraballo

Employee,
Randazza Legal Group, PLLC